

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2009 MAR 11 P 12:13

HYUNG KON KIM, et al.)
Plaintiffs,)
v.)
BRANCH BANKING AND TRUST) Civil Action No. 1:09cv271
COMPANY) State Court No. 09-588 GBL/IDD
Defendant.)

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

NOTICE OF REMOVAL

Branch Banking and Trust Company ("BB&T"), hereby gives notice that the above-captioned action pending in the Circuit Court of Fairfax County, Fairfax, Virginia, Docket No. 09-588 (the "State Court Action"), is removed to the United States District Court for the Eastern District of Virginia, Alexandria Division, pursuant to 28 U.S.C. §§ 1441 and 1446. As grounds for this removal, BB&T states as follows:

1. The State Court Action was commenced by the filing of a Complaint on or about January 14, 2009, and is currently pending in the Circuit Court of Fairfax County in Fairfax, Virginia. A copy of the Complaint is attached as Exhibit A.
2. BB&T obtained a copy of the Complaint after reviewing court records on or about February 10, 2009. BB&T has not yet been served with a copy of the Complaint or a Summons.
3. Upon information and belief, there have been no further proceedings in the State Court Action.
4. This lawsuit is a civil action within the meaning of 28 U.S.C. §§ 1441(a) and 1446(b) pertaining to removal of cases to the district courts of the United States.

5. Complete diversity of citizenship exists between Plaintiffs Hyung Kon Kim and Eun Kee Kim (the "Kims") and BB&T:

- a. The Kims are individuals who are citizens of Virginia;
- b. BB&T is a corporation incorporated under the laws of the State of North Carolina, with its principal place of business in North Carolina. At all times relevant hereto, BB&T has been a citizen of North Carolina.

6. Furthermore, the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. *See Complaint, ¶ 15.*

7. Hence, this is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332(a), and it is removable pursuant to 28 U.S.C. §§ 1441(a) and 1446(b).

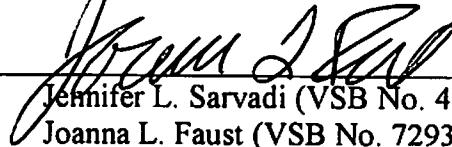
8. Pursuant to 28 U.S.C. § 1446(d), written notice of removal of this action has been served on Plaintiff's counsel, and a Notice of Filing of Removal to Federal Court is simultaneously being filed with the Clerk of the Circuit Court for Fairfax County, in Fairfax, Virginia. A true copy of the Notice of Filing of Removal is attached hereto as Exhibit B.

9. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days after receipt by BB&T of the Summons and Complaint through service or otherwise.

WHEREFORE Branch Banking and Trust Company, hereby removes the above-referenced action now pending against it in the Circuit Court of Fairfax County, Fairfax, Virginia, to the United States District Court for the Eastern District of Virginia, Alexandria Division.

Respectfully submitted,

BRANCH BANKING AND TRUST COMPANY
By Counsel

By: 

Jennifer L. Sarvadi (VSB No. 47543)

Joanna L. Faust (VSB No. 72930)

LECLAIR RYAN, A Professional Corporation

225 Reinekers Lane, Suite 700

Alexandria, Virginia 22314

(703) 647-5915 (Telephone)

(703) 647-5987 (Facsimile)

Joanna.Faust@leclairryan.com

*Counsel for Defendant Branch Banking and Trust
Company*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of March, 2009, a true and accurate copy of the foregoing was transmitted via first-class mail, postage prepaid, to:

J. Chapman Petersen, Esquire
4010 University Drive, 2nd Floor
Fairfax, Virginia 22030
Counsel for Plaintiffs



Joanna L. Faust (VSB No. 72930)
LECLAIR RYAN, A Professional Corporation
225 Reinekers Lane, Suite 700
Alexandria, Virginia 22314
(703) 647-5915 (Telephone)
(703) 647-5987 (Facsimile)
Joanna.Faust@leclairryan.com
*Counsel for Defendant Branch Banking and Trust
Company*